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August 6, 2019

TO: Mr. William T. Walsh, Clerk
United States District Court for
the District of New Jersey
401 East State Street
Trenton, New Jersey, 08608

RECEIVED

AUG 15 2019

AT 8:30 M
WILLIAM T. WALSH
CLERK

FROM: Darius Heimer Gittens, Pro Se
SBI #875223E, ID #1079439
Northern State Prison
168 Frontage Road
Newark, New Jersey, 07114


RE: Gittens V. Scholtz, et al., 1:18-cv-02519 (RBK) (KMW)
motion with (4) page certified affidavit in support
plaintiff's request for reconsideration dated 8/6/2019

Dear Sir:

Please find attached original of my motion for reconsideration with
(4) page certified affidavit in support (with return date of 8/19/2019),
for filing. Please acknowledge receipt.

Also please find a copy of letter sent to Ms. Golub, Judge Kugler's
Judicial Assistant concerning service to chambers of the required **courtesy**
copy.

Respectfully Submitted.


Darius Heimer Gittens

FILE: D.H. Gittens
Levi Huebner, PC

TO: Ms. Marcy Golub, Judicial Assistant
for Honorable Robert B. Kugler, U.S.D.J.

----- **chambers** -----

Room **640**, United States District Court
for the District of New Jersey
P.O. Box 2797, Camden, New Jersey
08101

FROM: Darius Heimer Gittens, Pro Se
SBI #875223E, ID #1079439
Northern State Prison
168 Frontage Road
Newark, New Jersey, 07114

RE: Gittens V. Scholtz, et al., 1:18-cv-02519 (RBK) (KMW)
c o u r t e s y c o p y of motion and certified affidavit
with proposed order seeking reconsideration

Dear Ms. Golub:

Please find attached herewith, a **courtesy copy** of notice of motion with
4) page certified affidavit in support thereof dated 8/6/2019 filed with
you as required pursuant FRCP local Rule **7.1.(g)**. with the original filed
with the Clerk of the Court this same day. Please file as is your custom
and provide to me notice that you have received this submission.

You may acknowledge receipt of these papers via my e-mail address that
is maintained by my durable power of attorney: gittens.darius@gmail.com.

Thank you kindly.

Respectfully yours



Darius Heimer Gittens

Dated: 8/6/2019

FILE: D.H. Gittens

William T. Walsh, Clerkj

RECEIVED

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

AUG 15 2019

AT 8:30 _____ M
WILLIAM T. WALSH
CLERK

Darius Gittens, : **CIVIL ACTION**
:
Plaintiff, : **NO. 18-02519 (RBK) (KMW)**
:
V. :
:
Mildred Scholtz, et al., :
: **O R D E R**
Defendants. :
:
_____ :

This matter having come before the court by way plaintiff's motion for reconsideration of my prior order and opinion in the initial screening of his civil rights complaint pursuant 42 U.S.C. § 1983 (ECF No. 1) and upon review of the submission of plaintiff of notice of motion for reconsideration and (4) page certified affidavit in support thereof dated 8/6/2019, and for the reasons set forth in the opinion filed herewith,

IT IS on this ____ day of August, 2019, hereby

ORDERED that counts J, L, and N, and counts B and E, and counts H, I and O, and counts D, F, L, M and P are **RESTORED** to the complaint and it is further

ORDERED that the Clerk of the Court shall serve Plaintiff with copies of this Order and the accompanying Opinion via regular U.S. mail.

Robert B. Kugler
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Darius Gittens,	:	CIVIL ACTION
	:	
Plaintiff,	:	NO. 18-02519 (RBK) (KMW)
	:	
V.	:	NOTICE OF MOTION
	:	FOR RECONSIDERATION
Mildred Scholtz, et al.,	:	
	:	EX PARTE
Defendants.	:	

Please take notice that Darius Gittens, plaintiff, pro se, in the above captioned civil action, hereby gives **NOTICE** to honorable Judge Robert B. Kugler, that pursuant FRCP Local Civil Rule 7.1 (i), that a Motion for Reconsideration of his Honor's July 23, 2019 **ORDER** and **OPINION** is made.

And, that this **NOTICE** is made returnable as per Local Civil Rule 78.1 (a), so that it falls on the Third Monday of this month of August which is August 19, 2019.

DATED: 8/6/2019

Respectfully Submitted.

Darius Gittens

Darius Heimer Gittens

SBI # 875223E, ID # 1079439

Northern State Prison

168 Frontage Road

Newark, New Jersey, 07114

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Darius Gittens,	:	CIVIL ACTION
	:	
Plaintiff,	:	NO. 18-2519 (RBK) (KMW)
	:	
V.	:	CERTIFIED AFFIDAVIT IN SUPPORT
	:	OF MOTION FOR RECONSIDERATION
Mildred Scholtz, et al.,	:	
	:	EX PARTE
Defendants.	:	
	:	

(1) Darius Gittens, certifies pursuant 28 USC 1746 the forgoing affidavit for reconsideration of Judge Robert B. Kugler's July 29, 2019 opinion and Order in the above captioned matter to be true and correct to my own knowledge,

(2) That this affidavit addresses the (22) page **opinion** and corresponding (3) page order both dated 7/23/2019 that were entered and filed by the clerk on 7/29/2019 and mailed to plaintiff that same day.

(3) At page 7 and 8 of Honorable Judge Kuglar's Opinion would appear to gloss over the allegations of certain of the defendants that are alleged to have destroyed documents and united states mail in order to obstruct plaintiff's efforts to reach New Jersey Appellate Court review, O.P.R.A. records access, as well as grievance access inter alia. Plaintiff urges this Honorable Court not to suggest that the destruction of United States Mail and grievances cannot implicate plaintiff's First and Fourteenth Amendment rights secured by the United States Constitution; to sidestep this matter sends very bad signals to these defendants that will embolden this obstruction and destruction of other similarly situated inmates united states mail and grievances. This Court should allow defendants to defend that aspect of the complaint on the merit.

Darius Heimer Gittens
Housing Unit B-1-E
SBI#875223E, ID#1079439
Northern State Prison
168 Frontage Road
Newark, New Jersey
07114

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08/08/2019

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William T. Walsh, Clerk
United States District Court
District of New Jersey
Clarkson S. Fisher Federal
Building and United States
Court House
401 E. State Street, Trenton
New Jersey, 08608

LEGAL MAIL

08608-150101

